IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23529 of 2004

Between:

Smt. Bala Rangamma W/o Daveedu
R/o 4-203, Kristapadu village, Peddavaduguru Mandal, Anantapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer (Civil Supplies) Anantapur, Anatapur District
2 G. Venkateswarlu S/o Obulesu R/o D. No. 4-146, Kristapadu
Village, Peddavaduguru Mandal, Anantapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings D. Dis. No. D1/CS/1257/04, dt 30-11-04 issued by the 1st respondent is illegal, arbitrary and without jurisdiction and set a side the same and consequently direct the 1st respondent to proceed in accordance with his notification dt 09-09-2004.

Counsel for the Petitioner : MR KUNCHEAM MAHESWARA RAO

Counsel for the Respondent No.1: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The 1st respondent issued a notification, dated 09.09.2004, inviting applications, for the purpose of selecting and appointing a fair price shop dealer for Kristapadu Village. The petitioner, 2nd respondent and five others applied. Through proceedings, dated 30.11.2004, the 1st respondent selected and appointed the 2nd respondent as the fair price shop dealer. Petitioner challenges the same in this writ petition.

Learned counsel for the petitioner submits that in the notification, dated 09.09.2004, it was clearly mentioned that the fair price shop is reserved for physically handicapped candidates belonging to Scheduled Caste category, and even according to the impugned order, it is not clear as to whether the 2nd respondent is a physically handicapped candidate at all. He submits that the impugned order suffers from error apparent on the face of the record.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the petitioner can avail the remedy of appeal before the Joint Collector, and the disputed questions of fact, cannot be canvassed, much less adjudicated in the writ petitions.

The grievance of the petitioner is that though the shop was earmarked for physically handicapped candidates, the 2nd respondent, who is not such a candidate, has been selected. She places reliance upon the descriptive particulars of the 2nd respondent, furnished in the impugned order itself. Basically, a perusal of the same, discloses that there is no mention as to whether the 2nd respondent is physically handicapped

at all. That, however, does not mean that the 2nd respondent does not belong to that category at all. The truth or otherwise of the allegation against the petitioner can be verified, if only the records are examined by a competent authority. A regular appeal is provided to the Joint Collector, against the order of such appointment.

Hence, the writ petition is disposed of leaving it open to the petitioner to prefer an appeal against the order, dated 30.11.2004. If such an appeal is presented, the appellate authority shall dispose of the same, as expeditiously as possible. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 17th December, 2004

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To

1 The Revenue Divisional Officer (Civil Supplies) Anantapur, Anatapur District
2 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

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